Simon v. Adzilla, Inc [New Media] et al Doc. 111

G. HOPKINS GUY, III (State Bar No. 124811)
hopguy@orrick.com
I. NEEL CHATTERJEE (State Bar No. 173985)
nchatterjee@orrick.com
MONTE COOPER (State Bar No. 196746)
mcooper@orrick.com
THERESA A. SUTTON (State Bar No. 211857)
tsutton@orrick.com
YVONNE P. GREER (State Bar No. 214072)
ygreer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Plaintiffs
FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA AND DOES 1-25, Defendants.	Case No. 5:07-CV-01389-RS **PLAINTIFFS' NOTICE OF MOTION AND MOTION TO STRIKE CONNECTU LLC'S AFFIRMATIVE DEFENSES** Date: August 15, 2007 Time: 9:30 a.m. Judge: Honorable Richard Seeborg

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that on August 15, 2007 at 9:30 A.M. or soon thereafter as counsel may be heard by Magistrate Judge Richard Seeborg in Courtroom No. 4 of the above entitled Court, located at 280 South First Street, San Jose, California, Plaintiffs Facebook, Inc.

Dockets.Justia.com

and Mark Zuckerberg will and hereby do move this Court to strike ConnectU LLC's Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth and Thirteenth affirmative defenses pursuant to Rule 12(f) of the Federal Rules of Civil Procedure.

Plaintiffs' request is based upon this Motion, the accompanying Memorandum of Points and Authorities in Support of Plaintiffs' Motion to Strike ConnectU LLC's Affirmative Defenses, the pleadings on file, any oral argument as may be presented in connection with the hearing on this matter, and such other arguments and evidence as may properly come before the Court.

Dated: July 10, 2007

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Theresa A. Sutton

Theresa A. Sutton
Attorneys for Plaintiff
THE FACEBOOK, INC. and MARK ZUCKERBERG

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 10, 2007.

Dated: July 10, 2007.

Respectfully submitted,

/s/ Theresa A. Sutton

Theresa A. Sutton